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CASE 4-31625B

FILING BY "EXPRESS MAIL" UNDER 37 CFR 1.10

EV 727272219US
Express Mail Label Number

JANUARY 3, 2007
Date of Deposit



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF
ALBERT ET AL.
APPLICATION NO: 10/660,442
FILED: SEPTEMBER 11, 2003
FOR: INDOLYLMaleimide DERIVATIVES

Art Unit: 1626
Examiner: Anderson, Rebecca L.

MS: General
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

COMMUNICATION REGARDING "INITIAL" PATENT TERM ADJUSTMENT

Sir:

It is believed that the "initial" Patent Term Adjustment indicated by the PTO is incorrect, i.e., extra days of patent term have been credited to the Applicants. In this connection, it is believed that the PTO should have treated the Response to Notice of Non Compliant Amendment filed on November 28, 2005 as a reply correcting an omission (see, in this connection, 37 C.F.R. 1.704(c) (7)). In such a case, the period of adjustment set forth in 37 C.F.R. 1.703 is reduced by the number of days beginning on the day after the date of the reply having an omission was filed and ending on the date that the reply correcting the omission was filed. When applied to the present fact situation, it is clear that Applicants should have been debited 115 days, i.e., the number of days beginning on August 6, 2005 and ending on November 28, 2005. Accordingly, the correct "initial" Patent Term Adjustment should be 0 days (i.e., 201 credit days - 212 debit days = 0).

No fee is believed to be necessitated by this Communication. However, if a fee is required, the Commissioner is hereby authorized to charge said fee to Deposit Account No. 19-0134 in the name of Novartis.

Respectfully submitted,

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Date: *January 2, 2007*

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